



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Northern Virginia Regional Office
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Robert G. Burnley
Director

Jeffery A. Steers
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

MANSOUR AKBARI-ZARIN

FOR THE

**SIX-O-FIVE MOBILE HOME PARK SEWAGE TREATMENT PLANT
(VPDES PERMIT NO. VA0090140)**

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 62.1-44.15(8a) and (8d) and 10.1-1185 between the State Water Control Board and Mansour Akbari-Zarin regarding the Six-O-Five Mobile Home Park sewage treatment plant for the purpose of resolving certain violations of the State Water Control Law and Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code § 62.1-44.7 and 10.1-1184.

3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "STP" means the Six-O-Five Mobile Home Park sewage treatment plant located in Louisa County, Virginia.
7. "Regulation" means 9 VAC 25-31-10 *et seq.*, the Virginia Pollutant Discharge Elimination System Permit Regulation.
8. "Permit" means the Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA0090140.
9. "NVRO" means the Northern Virginia Regional Office of DEQ, located in Woodbridge, Virginia.

SECTION C: Finding of Fact and Conclusions of Law

1. Mansour Akbari-Zarin owns and operates Six-O-Five Mobile Home Park STP, which is a 0.04 MGD plant that is located in Louisa County, Virginia and treats wastewater from a mobile home park. The STP discharges into an unnamed tributary of the South Anna River, which is located within the York River Basin. Discharges are the subject of VPDES Permit No. VA0090140.
2. The Board has evidence to indicate that Mr. Zarin has violated the Regulation and the Permit by: (1) exceeding Permit effluent limits for Carbonaceous Biochemical Oxygen Demand ("CBOD"), Total Suspended Solids ("TSS") and Ammonia as Nitrogen ("Ammonia"); (2) failing to meet Reliability Class II; (3) failing to maintain proper calibration and maintenance records; and (4) failing to monitor *E.coli* correctly. DEQ NVRO issued three warning letters (WL) and four notices of violation (NOV) to Mr. Zarin for the above-referenced violations as follows: WL No. W2005-04-N-1023 issued April 12, 2005; WL No. W2005-05-N-1006 issued May 16, 2005; WL No. W2005-07-N-1014 issued July 6, 2005; NOV No. W2005-08-N-0013 issued August 5, 2005; NOV No. W2005-09-N-0012 issued September 30, 2005; NOV No. W2005-10-N-0008 issued October 17, 2005; and NOV No. W2005-11-N-0007 issued on November 10, 2005.
3. The STP is an above ground sequencing batch reactor (SBR) package plant whose operation is dependent upon a computerized program which initiates a series of actions based on data entered by the operations staff. Recent critical equipment failures and power outages/surges have resulted in the control

computer resetting to manufacturer's default settings. Reverting back to the default setting significantly affects the biological process and results in Permit effluent violations. Only the contract operator is qualified to return the setting back to the specifically designed program that allows compliance with effluent limitations.

4. The contract operator for the STP travels to the site only once per week for several hours to oversee operations and give instructions to onsite personnel. Daily operations and sampling are conducted by one of the mobile home park's maintenance employees. A review of the monthly Discharge Monitoring Reports indicated that several samples for *E.coli* analysis were collected outside of the Permit required monitoring period of 10:30am to 4:30pm.
5. DEQ conducted a site inspection on September 20, 2005. The site was very poorly maintained and it appeared nothing had been done to the STP grounds for several months. During a walk through with the contract operator numerous deficiencies were noted including the failure to meet Reliability Class II because the back-up generator was inoperable, a lack of maintenance or daily operation logs, and all discharge monitoring samples were shown to be taken from the post aeration chamber not the permitted outfall.
6. Appendix A of this Order requires Mansour Akbari-Zarin to: (1) employ a licensed operator to be onsite a minimum of 4 hours/day for five days a week; (2) develop and implement a maintenance program for the STP; (3) conduct all effluent sampling at Permitted Outfall 001; (4) ensure each critical part for the STP has a back-up onsite; (5) install a separate back-up power source for the control computer; and (6) increase sampling frequency for a 6-month period.

SECTION D: Agreement and Order

Accordingly, the State Water Control Board, by virtue of the authority granted it in Va. Code § 62.1-44.15(8a) and (8d), orders Mansour Akbari-Zarin, and Mansour Akbari-Zarin voluntarily agrees that:

1. Mansour Akbari-Zarin shall perform the actions described in Appendix A of this Order to remedy the violations described above and achieve compliance with the State Water Control Law and Regulations and the Permit requirements.
2. Mansour Akbari-Zarin shall pay a civil charge of \$2,800 within 30 days of the effective date of the Order in the settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

Receipts Control
Department of Environmental Quality
P.O. Box 10150
Richmond, VA 23240

Either on a transmittal letter or as a notation on the check, Mansour Akbari-Zarin shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Mansour Akbari-Zarin.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Mansour Akbari-Zarin, for good cause shown by Mansour Akbari-Zarin, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein and listed above in Section C-2. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Mansour Akbari-Zarin admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Mansour Akbari-Zarin consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Mansour Akbari-Zarin declares he has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, and the State Water Control Law, and he waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Mansour Akbari-Zarin to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Mansour Akbari-Zarin shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Mansour Akbari-Zarin shall show that such circumstances were beyond his control and not due to a lack of good faith or diligence on his part. Mansour Akbari-Zarin shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order.

Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within twenty-four (24) hours of learning of any condition above, which Mansour Akbari-Zarin intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

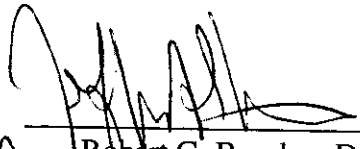
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. Any plans, reports, schedules, permits, or specification attached hereto or submitted by Mansour Akbari-Zarin and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
11. This Order shall become effective upon execution by both the Director or his designee and Mansour Akbari-Zarin. Notwithstanding the foregoing, Mansour Akbari-Zarin agrees to be bound by any compliance date, which precedes the effective date of this Order.
12. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Mansour

Akbari-Zarin. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Mansour Akbari-Zarin from his obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

13. By his signature below, Mansour Akbari-Zarin voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 17 March, 2005.⁶

DAVID R. PAYLON


Robert G. Burnley, Director
Department of Environmental Quality

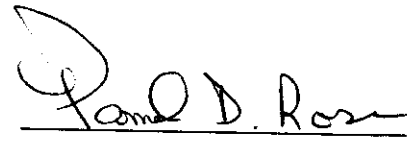
Mansour Akbari-Zarin voluntarily agrees to the issuance of this Order.

By: Mansour A. Zarin
Mansour Akbari-Zarin

Date: 12/30/05

Commonwealth of Virginia
City/County of SPOTSWYLDANZA

The foregoing document was signed and acknowledged before me this 30 day of DECEMBER, 2005, by Mansour Akbari-Zarin..


Notary Public

My commission expires: 8-31-09

APPENDIX A SCHEDULE OF COMPLIANCE

Mansour Akbari-Zarin agrees to:

1. By January 1, 2006, employ or contract a Class III licensed operator to be at the STP a minimum of 4 hours/day for 5 days a week to oversee the operations of the STP and continue employment as required by the Permit. Within two weeks of employing or contracting an operator, notify DEQ in writing how this requirement was met. As required by the Permit, a Class II operator will continue to oversee operations of the STP by being at the STP 1 day a week and be available in the case of emergencies.
2. By no later than January 1, 2006, conduct all effluent sampling at Outfall 001 in accordance with the Permit.
3. By no later than February 1, 2006, submit to DEQ for review and approval, a written daily/weekly/monthly maintenance program. As part of this maintenance program, a daily operator log book shall be maintained and kept onsite that shall include, but is not limited to, daily process control test results, instrument calibration, and Ultraviolet (UV) lamp intensity and cleaning. Once the maintenance program is approved, submit copies of all maintenance log sheets with the monthly Discharge Monitoring Report (DMR).
4. By no later than February 1, 2006, submit to DEQ for review and approval, an inventory sheet that lists all critical parts for operation of the STP. Within sixty (60) days of approval, ensure that each critical part has a back-up that is stored onsite.
5. By no later than January 1, 2006, install a separate back-up power source that the STP control computer will use in the event of power loss or disruption.
6. By no later than February 1, 2006, increase monitoring frequency to twice per month (2/M) for CBOD, TSS, and Ammonia for a 6-month period. Samples shall be collected in a full 7-day week and one full week apart from each other (i.e. 1st and 3rd or 2nd and 4th weeks). Include the chain of custody and certificate of analysis for the commercial lab with the monthly DMR submission.